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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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TRIMBLE NAVIGATION LIMITED,

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Plaintiff,

No. C 03-1604 PJH

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v.

**ORDER GRANTING LEAVE TO
AMEND SECOND SUPPLEMENTAL
PRELIMINARY INVALIDITY
CONTENTIONS**

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RHS INC., et al.,

Defendants.

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Before this court is defendants' motion for leave to amend their Second
Supplemental Preliminary Invalidity Contentions Pursuant to Patent L.R. 3-3. Defendants
seek to amend their Preliminary Invalidity Contentions in order to set forth new contentions
stating that the patent at issue is invalid in light of the 1995 TrimFlight User Guide. Having
carefully read the parties' papers and considered the relevant legal authority, the court
hereby GRANTS¹ defendants' motion, for the same reasons that led the court to grant
defendants' motion for leave to amend their Amended Answer and Counterclaims at the
August 15, 2007 hearing.

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Specifically, in view of the facts that (1) defendants have acted reasonably diligently
in securing the 1995 TrimFlight User Guide, and (2) plaintiff's possession and knowledge of
the relevant TrimFlight documents ensures that plaintiff will suffer no undue prejudice, the
court finds that defendants have sufficiently demonstrated good cause for amendment of

¹ This court finds the motion appropriate for decision without further oral argument,
as permitted by Civil L.R. 7-1(b) and Fed. R. Civ. P. 78. See also Lake at Las Vegas Investors
Group, Inc. v. Pacific Malibu Dev. Corp., 933 F.2d 724, 729 (9th Cir. 1991) (holding that the
court's consideration of the moving and opposition papers is deemed an adequate substitute
for a formal hearing), cert. denied, 503 U.S. 920 (1992). Accordingly, the September 5, 2007
hearing date is VACATED.

1 their Preliminary Invalidity Contentions. See Patent Local Rule 3-7. Accordingly,
2 defendants shall be allowed to file their final Invalidity Contentions, as requested.

3 However, defendants' corresponding motion to seal their motion for leave to amend,
4 and exhibits B and H to the supporting Tabesh Declaration is DENIED, as defendants have
5 failed to establish that a compelling need exists to file the information under seal.

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7 **IT IS SO ORDERED.**

8 Dated: August 27, 2007



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10 PHYLIS J. HAMILTON
11 United States District Judge